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HOWISON & ARNOTT, L.L.P. P.O. BOX 741715 DALLAS, TX 75374-1715			EXAMINER DAVIS, ZACHARY A	
			ART UNIT 2137	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@dalpat.com

<b>Office Action Summary</b>	<b>Application No.</b> 09/920,545	<b>Applicant(s)</b> FARRIS ET AL.	
	<b>Examiner</b> Zachary A. Davis	<b>Art Unit</b> 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 26 December 2007 has been entered.

2. By the above submission, Claims 1-10 have been canceled. New Claims 11-30 have been added. Claims 11-30 are currently pending in the present application.

### ***Response to Amendment***

3. The rejections of Claims 1-10 are moot in view of the cancellation of those claims. New grounds of rejection are set forth below.

4. The Examiner notes that the present response does not fully comply with the provisions of 37 CFR 1.111. Specifically, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Further, Applicant's arguments do

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not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Additionally, they do not show how the amendments avoid such references or objections. However, because the present response appears to be a *bona fide* attempt to advance the prosecution of the present application, the response has been fully considered as though it were fully responsive under 37 CFR 1.111.

### ***Specification***

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There does not appear to be proper antecedent basis for the subject matter of the new claims, specifically the limitation in each of new independent Claims 11, 18, and 26 directed to “transferring coordinate data corresponding to each area touched by the user on the touch screen directly to an encryption/decryption processor” or similar language. For further detail, see below regarding the rejection under 35 U.S.C. 112, first paragraph, for failure to comply with the written description requirement.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 11-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, each of new independent Claims 11, 18, and 26 recites the limitation of “transferring coordinate data corresponding to each area touched by the user on the touch screen directly to an encryption/decryption processor” or similar language. There does not appear to be sufficient written description for transferring data “directly to an encryption/decryption processor”. Applicant has not pointed out where the new claims are supported in the specification, and there does not appear to be any mention of any transfer, transmission, or reception of data “directly”. The dependent claims are rejected due to their dependence on a rejected base claim.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 11-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation “the user’s touch x-axis and y-axis coordinate values” in line 7. This is generally unclear; it appears that there may be words missing from the phrase, for example. Similarly, in line 12, the phrase “coordinate data corresponding all data” appears to be missing language. Also, in lines 10-11, the phrase “transferring the x-axis, y-axis and z-axis coordinate data corresponding to each area touched by the user on the touch screen directly to an encryption/decryption processor” is unclear. In particular, the use of the term “directly” is not clear, because it is not well-defined in the claims or in the specification what entails a direct transfer (as assumedly contrasted with an indirect transfer). Further, in lines 31-33, in the limitation “determining a data format with the second processor for an electronic transaction message between the second processor and a network transaction server that includes selected data fields”, it is not clear what is intended to be modified by the clause “that includes selected data fields”. Although the placement of the clause suggests that it is intended to modify the network transaction server, this would not appear to make sense, since it is not clear how the server would directly include data fields. It appears likely that the clause is intended to modify either the “data format” or the electronic transaction message”, but it is not clear which is intended to be modified by that clause. This renders the claim indefinite.

Claim 18 recites the limitation “transferring coordinate data corresponding to each area touched by the user on the touch screen directly to an encryption/decryption processor” in lines 5-6 of the claim. This is generally unclear; in particular, the use of the term “directly” is not clear, because it is not well-defined in the claims or in the specification what entails a direct transfer (as assumedly contrasted with an indirect transfer). Further, the claim recites the limitation “a display” in line 22. It is not clear whether this is intended to refer to the same display recited in line 3 or to a different display. Claim 18 also recites the limitation “determining a data format for an electronic transaction message between the second processor and a network transaction server that includes selected data fields” in lines 25-26. Similarly to Claim 11, it is not clear what is intended to be modified by the clause “that includes selected data fields”. Although the placement of the clause suggests that it is intended to modify the network transaction server, this would not appear to make sense, since it is not clear how the server would directly include data fields. It appears likely that the clause is intended to modify either the “data format” or the electronic transaction message”, but it is not clear which is intended to be modified by that clause. This renders the claim indefinite.

Claim 20 recites the limitation “the code” in line 4 of the claim. It is not clear whether this is intended to refer to the code recited in line 2 of Claim 20, or the code recited in line 28 of Claim 18, which renders the claim indefinite.

Claim 26 recites the limitation “transferring coordinate data corresponding to each area touched by the user on the touch screen directly to an encryption/decryption processor” in lines 5-6 of the claim. This is generally unclear; in particular, the use of

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the term “directly” is not clear, because it is not well-defined in the claims or in the specification what entails a direct transfer (as assumedly contrasted with an indirect transfer). Further, the claim recites the limitation “a display” in line 24. It is not clear whether this is intended to refer to the same display recited in line 3 or to a different display. Similarly, the claim recites the limitation “a user device” in line 31; it is not clear whether this is intended to refer to the same user device recited in line 1 or to a different user device. Claim 18 also recites the limitation “determining a data format for an electronic transaction message between the second processor and a network transaction server that includes selected data fields” in lines 27-28. Again, it is not clear what is intended to be modified by the clause “that includes selected data fields”. Although the placement of the clause suggests that it is intended to modify the network transaction server, this would not appear to make sense, since it is not clear how the server would directly include data fields. It appears likely that the clause is intended to modify either the “data format” or the electronic transaction message”, but it is not clear which is intended to be modified by that clause. This renders the claim indefinite.

Claim 27 refers to the “system of Claim 26”; however, Claim 26 is directed to a method. Additionally, Claim 27 recites the limitation “the message stored on the transaction server”. There is insufficient antecedent basis for this limitation in the claims.

Claim 29 recites the limitation “a variable number of data fields as a function of the methods of payments allowed by the user device”. First, there does not appear to be sufficient antecedent basis in the claims for the limitation “the methods of payments”.



Further, the phrase “a variable number of data fields as a function of the methods of payments” is generally unclear, as there does not appear to be a parallel between a variable number of variables that depends on the methods of payment. It appears that this may be intended to read that the variable number of data fields is a function of the number of methods of payment, or a selected method of payment, for example.

Claim 30 recites the limitation “one of a method of payments selected from a group consisting of ATM card, credit card, debit card, smart card or currency”. This is not a proper Markush group, because the use of the phrase “a group” rather than “the group”, and the use of the word “or” in place of “and” renders it unclear from exactly what group the method of payment is to be selected. See MPEP § 2173.05(h).

Claims not specifically referred to above are rejected due to their dependence on a rejected base claim.

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bilger et al, US Patent 6317835, in view of Forrest et al, US Patent 5553296, and Downing et al, US Patent 5963647.

In reference to Claim 11, Bilger discloses a method that includes displaying a prompt to a user to enter data using a touch screen with an associated display (column 6, lines 10-15 and 37-38), determining x- and y-axis coordinate values corresponding to each area touched by the user on the touch screen (column 2, lines 57-67), transferring the coordinate data to an encryption/decryption processor (column 6, lines 15-26, for example), encrypting the coordinate data with the encryption/decryption processor (column 4, lines 53-55), transferring the encrypted data to a second processor in encrypted form (column 6, lines 50-62), decrypting the encrypted transferred data with the second processor (column 4, lines 53-55), identifying and separating sensitive information (column 4, lines 57-67), using non-sensitive information to carry out an application program with the second processor and provide information to the display (see column 6, lines 3-6 and 9-31), re-encrypting the sensitive data with the second processor (column 6, lines 49-63; column 4, lines 53-55), and using the sensitive information in a transaction (column 6, lines 63-64). However, Bilger does not explicitly disclose detecting the pressure of a user's touch and generating a z-axis coordinate value.

Forrest discloses a system that includes a touch screen entering both x- and y-axis positional coordinates and also a z-axis coordinate indicating the pressure applied to the touch screen (column 3, lines 6-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Bilger to include a z-axis pressure coordinate, in order to allow different functions to be performed based on the pressure of a touch (see Forrest, column 6, lines 54-65).

However, neither Bilger nor Forrest explicitly discloses determining a data format for an electronic transmission message. Downing discloses a method that includes determining a data format for an electronic transmission message between a second processor and a network transaction server, where the message includes a first segment including a data field for a code that uniquely identifies a user device associated with the touch screen and identifies the format of a second segment, and a second segment including data fields necessary to transmit information required to conduct a financial transaction (Figure 4; column 8, line 45-column 9, line 22) and transmitting the formatted message to a network transaction server (see Figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the method of Bilger and Forrest to include the data formatting of Downing, in order to provide record of transfers to facilitate processing and to provide a convenient log, and to aid in fraud detection and auditing (see Downing, column 9, lines 12-22).

In reference to Claim 12, Bilger, Forrest, and Downing further disclose storing encryption data in a memory and accessing the memory when encrypting and decrypting (column 4, lines 31-35; Figure 3, Encryption Engine and Key Storage 320).

In reference to Claim 13, Bilger, Forrest, and Downing further disclose that the memory is coupled by a bus only to the encryption/decryption processor and not directly to the second processor (see Bilger, column 4, lines 31-35; see also Bilger, Figure 3).

In reference to Claim 14, Bilger, Forrest, and Downing further disclose a physical protection for the encryption/decryption processor and memory to prevent unauthorized mechanical access (Bilger, column 3, lines 43-50).

In reference to Claim 15, Bilger, Forrest, and Downing further disclose that the sensitive information can be a personal identification number (see Bilger, column 1, lines 45-47; Downing, column 6, lines 18-21).

In reference to Claims 16 and 17, Bilger, Forrest, and Downing further disclose carrying out financial transactions such as purchasing goods (Bilger, column 4, lines 42-46; see also Downing, abstract).

12. Claims 18-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bilger in view of Downing.

In reference to Claim 18, Bilger discloses a method that includes displaying a prompt to a user to enter data using a touch screen with an associated display (column 6, lines 10-15 and 37-38), transferring coordinate data to an encryption/decryption processor (column 2, lines 57-67; column 6, lines 15-26, for example), encrypting the coordinate data with the encryption/decryption processor (column 4, lines 53-55), transferring the encrypted data to a second processor in encrypted form (column 6, lines 50-62), decrypting the encrypted transferred data with the second processor (column 4, lines 53-55), identifying and separating sensitive information in the decrypted data (column 4, lines 57-67), using non-sensitive information to carry out an application program with the second processor and provide information to the display (see column

6, lines 3-6 and 9-31), re-encrypting the sensitive data with the second processor (column 6, lines 49-63; column 4, lines 53-55), and using the sensitive information in a transaction (column 6, lines 63-64). However, Bilger does not explicitly disclose determining a data format for an electronic transmission message.

Downing discloses a method that includes determining a data format for an electronic transmission message between a second processor and a network transaction server, where the message includes a first segment including a data field for a code that uniquely identifies a user device associated with the touch screen and identifies the format of a second segment, and a second segment including data fields necessary to transmit information required to conduct a financial transaction (Figure 4; column 8, line 45-column 9, line 22) and transmitting the formatted message to a network transaction server (see Figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Bilger to include the data formatting of Downing, in order to provide record of transfers to facilitate processing and to provide a convenient log, and to aid in fraud detection and auditing (see Downing, column 9, lines 12-22).

In reference to Claim 19, Bilger and Downing further disclose accepting a payment in the form of currency, credit card, debit card, or smart card (Downing, column 5, line 61-column 6, line 2; see also Bilger, column 1, lines 12-37; column 2, lines 11-29).

In reference to Claim 20, Bilger and Downing further disclose printing or displaying a code enabling a recipient to dispense a medium having inherent value

using a second device at a remote location (Downing, Figure 3, column 2, lines 37-60, column 4, lines 61-66; column 5, line 61-column 6, line 2).

In reference to Claims 21 and 22, Bilger and Downing further disclose performing an exchange rate calculation and that the payment is denominated in a first country's legal tender and the medium having inherent value is a second country's legal tender (Downing, Figures 1, 3; column 2, lines 37-60; column 4, lines 61-66).

In reference to Claim 23, Bilger and Downing further disclose displaying a transaction fee (Downing, column 6, lines 38-47).

In reference to Claim 24, Bilger and Downing further disclose formatting a message having a first segment including a device identification, an authorization, and a service payload segment (see Downing, Figure 4).

In reference to Claim 25, Bilger and Downing further disclose printing a receipt for the transaction (Downing, column 6, lines 59-65).

In reference to Claim 26, Bilger discloses a method that includes prompting a user to enter data using a touch screen with an associated display (column 6, lines 10-15 and 37-38), transferring coordinate data to an encryption/decryption processor (column 2, lines 57-67; column 6, lines 15-26, for example), encrypting the coordinate data with the encryption/decryption processor (column 4, lines 53-55), transferring the encrypted data to a second processor in encrypted form (column 6, lines 50-62), decrypting the encrypted transferred data with the second processor (column 4, lines 53-55), identifying and separating sensitive information in the decrypted data (column 4,

lines 57-67), using non-sensitive information to carry out an application program with the second processor and provide information to the display (see column 6, lines 3-6 and 9-31), re-encrypting the sensitive data with the second processor (column 6, lines 49-63; column 4, lines 53-55), and using the sensitive information in a transaction (column 6, lines 63-64). However, Bilger does not explicitly disclose determining a data format for an electronic transmission message or printing a receipt.

Downing discloses a method that includes determining a data format for an electronic transmission message between a second processor and a network transaction server, where the message includes a first segment including a data field for a code that uniquely identifies a user device associated with the touch screen and identifies the format of a second segment, and a second segment including data fields necessary to transmit information required to conduct a financial transaction (Figure 4; column 8, line 45-column 9, line 22) and transmitting the formatted message to a network transaction server (see Figure 3). Downing further discloses printing a receipt for the transaction (column 6, lines 59-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Bilger to include the data formatting of Downing, in order to provide record of transfers to facilitate processing and to provide a convenient log, and to aid in fraud detection and auditing (see Downing, column 9, lines 12-22).

In reference to Claims 27 and 29, Bilger and Downing further disclose a third message segment having an arrangement of fields (Downing, column 8, line 57-column 9, line 12; Figure 4).

In reference to Claim 28, Bilger and Downing further disclose a segment that stores a code indicating currency as a method of payment (see Downing, Figure 4).

In reference to Claim 30, Bilger and Downing further disclose that a method of payment can be ATM card, credit card, debit card, smart card, or currency (Downing, column 5, line 61-column 6, line 2).

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Ohki et al, US Patent 5952639, discloses a system for performing financial transactions that determines a message format to be used.
- b. Lungaro et al, US Patent 7305565, discloses a secure, encrypting PIN pad.
- c. Fernando et al, WIPO Publication WO 02/42891, discloses a touch pad having a security display and encryption circuit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary A. Davis whose telephone number is (571)272-3870. The examiner can normally be reached on weekdays 8:30-6:00, alternate Fridays off.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ZAD/  
Examiner, Art Unit 2137

/Nasser G Moazzami/  
Supervisory Patent Examiner, Art Unit 2136